

**REVISION TO
ORDINANCE NO. 2005-02**

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING THE CITY OF SEDONA LAND DEVELOPMENT CODE ARTICLE 17, WIRELESS COMMUNICATION FACILITIES, SECTION 1703, DEFINITIONS, AND ADDING SECTION 1703.04, LOCATION OF ZONING DISTRICT; AND PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES OR ANY PART OF THE LAND DEVELOPMENT CODE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE REPEALED UPON THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, AS FOLLOWS:

Section 1. Adoption by Reference

The proposed amendments set forth in that certain document entitled Exhibit A regarding Wireless Communication Facilities, established as a public record by Resolution No. 2005-04, are hereby referred to, adopted, and made a part hereof, as if fully set forth in this Ordinance.

Section 2. Repeal

All ordinances or parts of ordinances or any part of the Land Development Code in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section 3. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof would be declared invalid or unconstitutional.

Section 4. Penalty

Except as otherwise provided, any person found guilty of violating any provisions of the Land Development Code, any amendment thereto, or any order or regulation made therein, including the failure to perform any act or duty so required, shall be guilty of a Class 1 misdemeanor, and, upon conviction, shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00), or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Probation may be imposed in accordance with Arizona Revised Statutes, Title 13, Chapter 9. Each day that any violation continues shall be a separate offense punishable as above described or by civil sanction. In the alternative, an action may be commenced as a civil violation pursuant to Section 1401.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona this 8th day of February, 2005 and the revision on the 9th day of August, 2005 which added Section 4, Penalty.

Pud Colquitt, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney